

Mayberry Filing No. 4
Final Plat
Letter of Intent May 24, 2023

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

MAYBERRY COMMUNITIES, LLC
428 GARDEN PARK AVENUE,
MAYBERRY, CO 80808
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719-922-2181

PLANNING SUPPORT

KIMLEY-HORN AND ASSOCIATES, INC.
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LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a Final Plat. Said application will be processed at the same time of the rezoning of parcel no. 3414102015. Overall Site includes Parcel No(s). 3414102013, 3414102014 and 3414102015, as depicted below. The proposed rezoning is located east of the southeast corner of intersections of State Highway 94 (SH 94) and Proposed Springs Road (see vicinity map insert and map exhibit for details). The total acreage of the proposed rezone is ±4.28. (Currently Zoned: Planned Unit Development [PUD]).



REQUEST

Mayberry Communities LLC (“Applicant”) Requests approval for eight (8) lots as part of Mayberry Filing No. 4.

	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8	R.O.W.
USE	CS	CS	CS	CS	CS	CS	CS	CS	ROAD
OWNERSHIP	PRIVATE	PRIVATE	PRIVATE	PRIVATE	PRIVATE	PRIVATE	PRIVATE	PRIVATE	EPC
AC+/-	1.085	1.087	1.258	1.293	0.947	0.939	0.939	0.927	1.300

The application to Rezone 4.28 acres from the PUD zone to the Commercial Services zoning district (CS) will be processed concurrently with this process. The application includes the following request:

- Approval to rezone Parcel No. 3414102015 to CS to match adjacent Parcels, 3414102013 and 3414102014.
- Approval of subdivision and replating of parcels, 3414102013, 3414102014 and 3414102015.

The process of the rezone is projected to run concurrently with the Final Plat/Replat of said parcels identified as Tract A, Mayberry Colorado Filing No.2, unplatted parcel, and a portion of Tract D as platted in Mayberry Colorado Springs Filing No. 2 to later be replated for a total of eight (8) commercial lots.

Associated with the application the transportation improvements including public and private roadway improvement, pedestrian facilities, utility infrastructure. The public subdivision improvements are to be owned/maintained by Mayberry Metropolitan District No. 2 and Mayberry Metropolitan District No. 3 in partnership with Ellicott Utilities Company for water and wastewater services.

ZONE DISTRICT COMPLIANCE

The final plat is to be in compliance with the CS zone. Future development of Right of Way will conform to the engineering criteria requirements. Conformance with zoning requirements will be largely demonstrated in phases of development for lots and tracts within this final plat area. All proposed Lots are designed to meet the bulk, density, and dimensional requirements of the respective underlying zones. They are able to meet the required landscaping, buffering and screening requirements for the proposed uses, and buffering and screening against adjacent and differing uses per Section 6.2.2 of the Code.

REVIEW/APPROVAL CRITERIA & JUSTIFICATION

- ***The proposed subdivision is in conformance with the goals, objectives, and policies of the Master Plan; (see treatment of review criterion below)***

The applicant requests approval of the rezoning based on findings of compliance with the following Goals:

- Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.
- Goal 1.3 - Encourage a range of development types to support a variety of land uses.

The proposed Rezone from the PUD district to the CS district provides opportunity for the developer to include additional commercial uses in this area, designating a CS zoned district creates a buffer from the residential use PUD development to the south from the State Highway 94 corridor.

The proposed CS district and future plans to subdivide the parcels into eight (8) commercial lots allow the developer to maintain compliance with the previously approved Ellicott Town Center (SKP-05-005), soon to be amended to the proposed "Mayberry Communities Sketch Plan Amendment".

In addition, the subject parcels directly abut State Highway 94 which is a busy corridor with vehicles traveling at high rates of speed creating above average noise. Providing commercial development directly adjacent to this expressway will act as a transition from this corridor into the Mayberry development.

Furthermore, this commercial development, with any buffering and code compliant landscaping, will buffer further and planned residential developments in the surrounding area that are located within the Suburban and Rural placetypes to the east, west, and south.

PLACETYPES	LAND USES																			
	Agriculture	Family/Homestead	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Service	Tourism Commercial	Entertainment and Arts	Office	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility
Rural	●	●	○													●		○		
Large-Lot	○			●				○	○							○				
Suburban				●	○	○		○	○							○		○		
Urban Residential				●	●	●	○	○	○			○				○		○		
Rural Center				●	○	○		●	●	●									●	
Regional Center				○	●	●	○	●	●	●		●	○						○	
Employment Center								○	○	○			●	●	●					
Regional Open Space																●	●			
Mountain Interface				○				○	○	○	○					●	●	○		
Military				○	○	●		○	○	○		○	●	●	●	○	○	○		○
Utility																○				●

● **Primary Land Use:** More prominent and play a pivotal role in characterizing that placetype
 ○ **Supporting Land Use:** Less prevalent and serve to support the primary land use.

Key Areas:

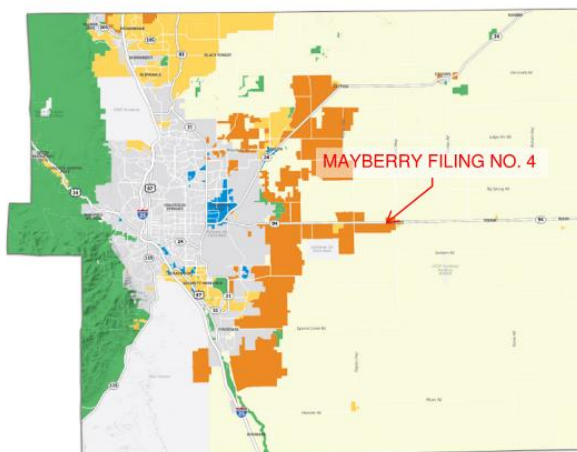


Key Areas

- Military Installations and 2-Mile Notification Zone
- Small Town & Rural Communities
- Tri-Lakes Area
- Potential Area For Annexation
- Forested Area
- Colorado Springs Airport/ Peterson Air Force Base
- Enclaves or Near Enclaves
- Fountain Creek Watershed Flood Control & Greenway District
- Uncommon Natural Resources
- Pikes Peak Influence Area

The property is not located within the ten (10) classifications of key areas.

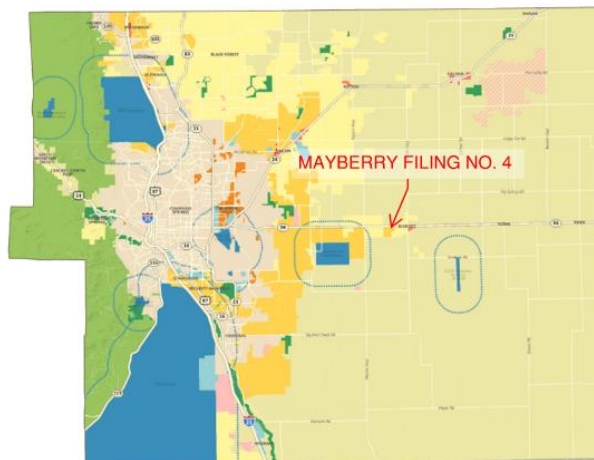
Areas of Change:



Areas of Change

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

Mayberry Filing No 4 Final Plat is located in the area expected for “New Development”. These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.



Placetypes

 Military	 Urban Residential	 Regional Open Space
 Rural	 Rural Center	 Mountain Interface
 Large Lot Residential	 Regional Center	 Utility
 Suburban Residential	 Employment Center	 Incorporated Area

Mayberry Filing No. 4 is located within the Suburban Residential type. This land use is designated for Suburban Residential, Traditional Residential neighborhoods with supporting commercial uses at key intersections. The Suburban place type generally supports the proposed development pattern and the support of limited accessory dwelling units as well.

- ***The subdivision is in substantial conformance with the approved Preliminary Plan***

A preliminary plan has not been done for the site.

Water Master Plan Conformance:

The development area is in REGION 4c as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Ellicott Utilities Company (EUC) Service Area. Water supplies in Region 4c, and specifically from EUC, should be sufficient to meet the current development demand; however, additional resources will be required to meet the full projected development demand within the Region by the 2060 target build out date. Additional water resources are planned through regional collaboration with partner and/or neighboring water providers.

The total water demand for the proposed subdivision is calculated to be 3.03 af/yr. (see Table 2). This water demand is based upon the following:

- A total of 2.35 af/yr water demand for in-house uses for the 8 lots (0.294 af/lot/yr) based on Table 2 of the Water Supply Report provided by Respec.
- A total of 0.68 af/yr water demand for outside uses for the 8 lots (0.085 af/lot/yr), based on a unit water demand of 0.0566 af/1000 sq. ft. of landscaping with a maximum irrigated landscaping of 1500 sq. ft. per lot.

These water uses result in a total water demand per lot of 0.739 af/yr.

Wastewater from the domestic uses will be discharge after treatment though the Ellicott Utilities WWTP which has be designed and constructed in compliance with the requirements of the El Paso County Department of Health and Environment (EPCDHE) and the Colorado Department of Health & Environment. The estimated return flow from the WWTP is 2.23 af/yr which is 95% of the domestic water requirement and we estimate that the return flows from landscape irrigation will be 0.14 af/yr which is 20% of the landscape water requirements, for a total return flow of 2.37 af/yr

Your El Paso Master Plan Conformance:

The Proposed Final Plats generally conforms to the goals conformance with the goals, objectives, and policies of the Your El Paso Master Plan.

- ***Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.***

The BOCC made findings of compatibility with the established character of the area by their approval (Resolution 06-18) of the Sketch Plan for Ellicott Town Center (SKP-05-005) on 03/01/2006. The site plans are in conformance with framework of the sketch plan. The submittals demonstrate infrastructure capacity for public drainage, roadways, utilities, and other public services (parks, schools, and fire and police protection). Public improvements are proposed that are roughly proportionate to the impact to or demands for services and/or infrastructure generated by the planned uses within the final plat area.

According to the SKP-05-005 Staff Report to the BOCC, the overall sketch plan would consist of approximately 550.6 acres and proposed for urban development of residential units, approximately 32 acres of commercial use and other mixed uses.

Urban services which include, but not necessarily limited to water, wastewater, electric service, natural gas service, fire protection, roadway and transportation, and drainage and stormwater management services are currently available. No issues have been raised with previous Zone Change, Final Plat or the Final Plat applications.

Water/sewer services will be provided service by Ellicott Utilities Company. Private stormwater facilities will be provided by the developer and managed by the Mayberry Metropolitan District No. 1, public offsite and regional facilities and management by El Paso County Road/Bridge respectively; Electric will be provided by Mountain View Electric Company and natural gas service will be provided by Black Hills Energy. Fire protection will be provided by the Ellicott Fire Protection District. Police and related public safety services will be provided by the El Paso County Sheriff. Compulsory education services are provided by Ellicott School District No. 22.

The approved Sketch Plan provide the basis for the private park, recreation, and open spaces associated with Ellicott Town Center. These amenities will be managed by the Metropolitan District. The development of the public parks, open space, add to the recreation services provided by El Paso County, City of

Colorado Springs, and Mayberry Metropolitan District via existing network outside of this project area.

- **Goal 1.3 - Encourage a range of development types to support a variety of land uses.**

The existing plans and previous final plats will implement the planned mixed commercial, single, and multifamily residential used defined with the Mayberry Communities Sketch Plan in This commercial and adjacent PUD use district.

- **Goal 1.4 - Continue to encourage policies that ensure “development pays for itself”.**

The developer is bearing the costs of providing necessary improvements to support the proposed development. These applications continue to provide complete financial assurance estimate for required improvements and construction activities and will be bound by the terms and conditions of a Subdivision Improvements Agreement. The developer will also be responsible for the payment of all subdivision exactions and road impact fees.

- **Goal 2.3 - Locate attainable housing that provides convenient access to goods, services, and employment.**

The existing and approved land use mix within the adjacent area includes residential (single-family attached, single-family detached, and multifamily) land uses, together with commercial and retail uses, service oriented, light, and heavy industrial land uses along State Highway 94. The commercial and retail uses will help complete the desired mixed uses to serve the residents.

The proposed commercial lots are also conveniently located near a major transportation thoroughfare (SH 94) which can connect them to other employment centers, commercial/retail corridors and nodes throughout the El Paso County region.

- **The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;**

A final drainage, grading and erosion control plan, water/wastewater resource reports, traffic impact analysis, and the Final Plat have been provided which meet the applicable plan/report development requirements of the LDC, ECM, and DCM, subject to review and acceptance by the County. The application is consistent with the previously approved plans.

- **A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;**

A commitment to provide water service has been provided by Ellicott Utilities Company which has adequate water resources to serve the proposed development. Findings of sufficiency were made along with quitclaim deed of water provided per recordation number 204053280. The district has also provided updated letters of commitment.

- **A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;**

The subdivision will connect into an existing public sewage disposal system what has been installed together with other public improvements associated with previously approved Ellicott Town Center (SKP-05-005), soon to be amended to the proposed "Mayberry Communities Sketch Plan Amendment" and its many development phases and filings. The existing system complies with state and local laws and regulations, statutory requirements, and the requirements of Chapter 8 of the County Land Development Code.

All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions.

[C.R.S. § 30-28-133(6)(c)];

The Geology/Soils report prepared by CTL Thompson, dated March 13, 2023, based on the results of this investigation, the near surface materials are predominantly granular and will generally provide good support for spread footing foundations, slabs-on-grade, and pavements. In the event expansive clay soils or claystone bedrock are encountered following grading or are present within 4 feet of proposed foundations and floor slabs, sub-excavation and reworking of these materials will likely be necessary.

All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed application is compatible with such conditions or will achieve compatibility through compliance with recommendations of corresponding reports and plans or by conditions of approval by the BOCC.

- **Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

Adequate drainage improvements have been provided by the subdivision design, including but not limited to, stormwater, detention, and/or water quality control facilities, all of which meet stormwater requirements established by the state in addition to meeting the requirements of the County Code and ECM. Detention facilities will be designated within each Lot's Site Development Plan. Ownership and maintenance of all drainage facilities and improvements shall be provided by the Mayberry Metropolitan District No. 2 and Mayberry Metropolitan District No. 3.

- **Legal and physical access is or will be provided to all parcels/Lots by public rights- of-way or recorded easement, acceptable to the County in compliance**

with this Code and the ECM;

Legal and physical access is and will be provided by planned public and private rights-of-way. The public road with the appropriate public access easement will be recorded with the final plat. The private road tract and improvements will be owned and maintained by the respective Mayberry Metropolitan Districts. All access planned is legal and in accordance with the provisions and allowances in the LDC and ECM.

Access to SH94 is from connections to Springs Road located at the westernmost boundary of the property.

- **Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**

Necessary services which include, police and fire protection, recreation, utilities, open space and transportation system, are presently available to serve the development as supported by the utility and public service commitments provided in support of the development application.

- **The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;**

The subdivision provides evidence via commitment letters from Ellicott Fire Protection District for emergency and fire service and Ellicott Utilities Districts for water for fire suppression as well as site plan layout and design of access and utilities demonstrate show that the proposed methods for fire protection comply with Chapter 6 of the County Code.

- **Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;**

Off-site improvements including improvements at the State Highway 94 and Springs Road intersection and the extension of Springs Road South adjacent to the property boundary and stormwater detention facilities have been included in the associated construction documents and financial assurances with Filing 4 and reflected in the previously reviewed applications.

Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;

Bridge, Drainage, Park, School, and Road Impact Fees will be paid at the time of plat recordation and building permit issuance (Road Impact only).